

**Executive Summary – Enforcement Matter – Case No. 48873**

**City of Savoy**

**RN102921988**

**Docket No. 2014-0891-MWD-E**

**Order Type:**

1660 Agreed Order

**Findings Order Justification:**

N/A

**Media:**

MWD

**Small Business:**

No

**Location(s) Where Violation(s) Occurred:**

Savoy WWTP, 601 North Cedar Street, 900 feet West of Farm-to-Market Road 1752 and 2,000 feet north of U.S. Highway 56, Fannin County

**Type of Operation:**

Municipal wastewater treatment facility

**Other Significant Matters:**

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** March 6, 2015

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$41,250

**Amount Deferred for Expedited Settlement:** \$8,250

**Amount Deferred for Financial Inability to Pay:** \$0

**Total Paid to General Revenue:** \$1,960

**Total Due to General Revenue:** \$31,040

Payment Plan: one payment of \$916 and 34 payments of \$886 each

**Supplemental Environmental Project ("SEP") Conditional Offset:** \$0

Name of SEP: N/A

**Compliance History Classifications:**

Person/CN - Satisfactory

Site/RN - Satisfactory

**Major Source:** No

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** April 2014

**Executive Summary – Enforcement Matter – Case No. 48873**  
**City of Savoy**  
**RN102921988**  
**Docket No. 2014-0891-MWD-E**

***Investigation Information***

**Complaint Date(s):** N/A  
**Complaint Information:** N/A  
**Date(s) of Investigation:** May 21, 2014  
**Date(s) of NOE(s):** June 2, 2014

***Violation Information***

Failed to comply with permitted effluent limits for dissolved oxygen, total suspended solids, ammonia nitrogen, and *Escherichia coli* [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014273001, Final Effluent Limitations and Monitoring Requirements Nos. 1 and 6].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

N/A

**Technical Requirements:**

The Order will require the Respondent to, within 90 days, submit written certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0014273001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations.

***Litigation Information***

**Date Petition(s) Filed:** N/A  
**Date Answer(s) Filed:** N/A  
**SOAH Referral Date:** N/A  
**Hearing Date(s):** N/A  
**Settlement Date:** N/A

***Contact Information***

**TCEQ Attorney:** N/A  
**TCEQ Enforcement Coordinator:** Margarita Dennis, Enforcement Division, Enforcement Team 7, MC R-04, (817) 588-5892; Candy Garrett, Enforcement Division, MC 219, (512) 239-1456  
**TCEQ SEP Coordinator:** N/A  
**Respondent:** The Honorable Denise Pugh, Mayor, City of Savoy, 405 East Hayes Street, Savoy, Texas 75479  
**Respondent's Attorney:** N/A



# Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

**TCEQ**

<b>DATES</b>	<b>Assigned</b>	9-Jun-2014	<b>PCW</b>	13-May-2015	<b>Screening</b>	15-Jun-2014	<b>EPA Due</b>	
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## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	City of Savoy
<b>Reg. Ent. Ref. No.</b>	RN102921988
<b>Facility/Site Region</b>	4-Dallas/Fort Worth
<b>Major/Minor Source</b>	Minor

## CASE INFORMATION

<b>Enf./Case ID No.</b>	48873	<b>No. of Violations</b>	2
<b>Docket No.</b>	2014-0891-MWD-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Water Quality	<b>Government/Non-Profit</b>	Yes
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Margarita Dennis
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>EC's Team</b>	Enforcement Team 7
<b>Maximum</b>	\$25,000		

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$25,000
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## ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

<b>Compliance History</b>	65.0% Enhancement	<b>Subtotals 2, 3, &amp; 7</b>	\$16,250
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Notes: Enhancement for eight months of self-reported effluent violations, one NOV with same/similar violations, and one order with denial of liability.

<b>Culpability</b>	No	0.0% Enhancement	<b>Subtotal 4</b>	\$0
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Notes: The Respondent does not meet the culpability criteria.

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	\$0
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<b>Economic Benefit</b>	0.0% Enhancement*	<b>Subtotal 6</b>	\$0
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Total EB Amounts \$9,305  
Estimated Cost of Compliance \$97,033  
\*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$41,250
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	<b>Adjustment</b>	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

<b>Final Penalty Amount</b>	\$41,250
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$41,250
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<b>DEFERRAL</b>	20.0% Reduction	<b>Adjustment</b>	-\$8,250
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

Deferral offered for expedited settlement.

<b>PAYABLE PENALTY</b>	\$33,000
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Screening Date 15-Jun-2014

Docket No. 2014-0891-MWD-E

PCW

Respondent

City of Savoy

Policy Revision 4 (April 2014)

Case ID No. 48873

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102921988

Media [Statute] Water Quality

Enf. Coordinator Margarita Dennis

## Compliance History Worksheet

## &gt;&gt; Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	9	45%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgments or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 65%

## &gt;&gt; Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

Compliance History Notes

Enhancement for eight months of self-reported effluent violations, one NOV with same/similar violations, and one order with denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, &amp; 7) 65%

## &gt;&gt; Final Compliance History Adjustment

Final Adjustment Percentage \*capped at 100% 65%

Screening Date 15-Jun-2014

Docket No. 2014-0891-MWD-E

PCW

Respondent City of Savoy

Policy Revision 4 (April 2014)

Case ID No. 48873

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102921988

Media [Statute] Water Quality

Enf. Coordinator Margarita Dennis

Violation Number 1

Rule Cite(s) Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and Texas Pollutant Discharge Elimination System Permit No. WQ0014273001 Final Effluent Limitations and Monitoring Requirements Nos. 1 and 6

Violation Description Failed to comply with permitted effluent limits, as documented during a record review conducted on May 21, 2014, and as shown in the attached violation table.

Base Penalty \$25,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual		X	
Potential			

Percent 15.0%

## &gt;&gt; Programmatic Matrix

	Major	Moderate	Minor
Falsification			

Percent 0.0%

Matrix Notes

Escheria coli, total suspended solids, and dissolved oxygen were considered. As a result of these discharges, human health or the environment have been exposed to significant amounts of pollutants that do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$21,250

\$3,750

## Violation Events

Number of Violation Events 6

183 Number of violation days

mark only one with an x

daily	
weekly	
monthly	X
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$22,500

Six monthly events are recommended for the months of April 2013, May 2013, June 2013, July 2013, August 2013, and September 2013.

## Good Faith Efforts to Comply

0.0%

Reduction \$0

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$22,500

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$9,305

Violation Final Penalty Total \$37,125

This violation Final Assessed Penalty (adjusted for limits) \$37,125

# Economic Benefit Worksheet

**Respondent** City of Savoy  
**Case ID No.** 48873  
**Reg. Ent. Reference No.** RN102921988  
**Media** Water Quality  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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No commas or \$

## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$97,033	30-Apr-2013	31-Mar-2015	1.92	\$9,305	n/a	\$9,305

Notes for DELAYED costs

Actual cost to determine the cause of noncompliance and to make necessary adjustments to achieve compliance with permitted effluent limits. Date required is the first month of noncompliance. Final date is the expected date of compliance.

## Avoided Costs

**ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$97,033

**TOTAL**

\$9,305

Screening Date 15-Jun-2014

Docket No. 2014-0891-MWD-E

PCW

Respondent City of Savoy

Policy Revision 4 (April 2014)

Case ID No. 48873

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102921988

Media [Statute] Water Quality

Enf. Coordinator Margarita Dennis

Violation Number 2

Rule Cite(s)

Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and Texas Pollutant Discharge Elimination System Permit No. WQ0014273001 Final Effluent Limitations and Monitoring Requirements No. 1

Violation Description

Failed to comply with permitted effluent limits, as documented during a record review conducted on May 21, 2014, and as shown in the attached violation table.

Base Penalty \$25,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Major	Moderate	Minor
Actual			X
Potential			

Percent 5.0%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

A simplified model was used to evaluate total ammonia nitrogen to determine whether the discharged amounts of pollutants exceeded levels that are protective of human health or the environment. Escherichia coli was also considered. As a result of these discharges, human health or the environment has been exposed insignificant amounts of pollutant that do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$23,750

\$1,250

## Violation Events

Number of Violation Events 2

120 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	X
	semiannual	
	annual	
	single event	

Violation Base Penalty \$2,500

Two quarterly events are recommended for the months of October 2013, November 2013, February 2014 and March 2014.

## Good Faith Efforts to Comply

0.0%

Reduction \$0

	Before NOE/NOV	NOE/NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$2,500

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$4,125

This violation Final Assessed Penalty (adjusted for limits) \$4,125

# Economic Benefit Worksheet

Respondent City of Savoy  
 Case ID No. 48873  
 Reg. Ent. Reference No. RN102921988  
 Media Water Quality  
 Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

See economic benefit for Violation No. 1.

## Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$0

TOTAL

\$0



City of Savoy  
 TEXAS POLLUTANT DISCHARGE ELIMINATION SYSTEM  
 PERMIT No. WQ0014273001; RN102921988  
 DOCKET No. 2014-0891-MWD-E; CASE No. 48873

Effluent Violation Table							
	<i>E. coli</i> Daily Average	<i>E. coli</i> Single Grab	<i>Ammonia</i> <i>Nitrogen</i> Daily Average Conc.	<i>Ammonia</i> <i>Nitrogen</i> Daily Average Loading	<i>TSS</i> Daily Average Conc.	<i>TSS</i> Single Grab Conc.	<i>DO</i> Minimum Conc.
<i>Month/Year</i>	126 (CFU/100 ml)	394 (CFU/100 ml)	3 (mg/L)	3.2 (lbs/d)	15 (mg/L)	60 (mg/L)	4.0 (mg/L)
April 2013	2419.6	2419.6	c	c	c	c	c
May 2013	2419.6	2419.6	c	c	c	c	0.2
June 2013	2419.6	2419.6	c	c	c	c	c
July 2013	2419.6	2419.6	c	c	30.2	115	c
August 2013	2419.6	2419.6	c	c	c	c	c
September 2013	c	2419.6	c	c	c	c	c
October 2013	c	613	4.234	8.15	c	c	c
November 2013	c	c	c	4.4	c	c	c
February 2014	c	c	10	7.5	c	c	c
March 2014	c	c	4.1	c	c	c	c

mg/L = milligrams per liter

DO = dissolved oxygen

*E. coli* = *Escherichia coli*

c = compliant

lbs/d = pound per day

TSS = total suspended solids

CFU = colony forming units

Conc. = concentration

Min. = minimum



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To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



## Compliance History Report

**PUBLISHED** Compliance History Report for CN600678122, RN102921988, Rating Year 2013 which includes Compliance History (CH) components from September 1, 2008, through August 31, 2013.

**Customer, Respondent, or Owner/Operator:** CN600678122, City of Savoy

**Classification:** SATISFACTORY

**Rating:** 4.02

**Regulated Entity:** RN102921988, SAVOY WWTP

**Classification:** SATISFACTORY

**Rating:** 4.02

**Complexity Points:** 8

**Repeat Violator:** NO

**CH Group:** 08 - Sewage Treatment Facilities

**Location:** LOCATED 601 North Cedar Street, 900 feet west of Farm-to-Market Road 1752 and 2,000 feet north of U.S. Highway 56 in Fannin County, Texas

**TCEQ Region:** REGION 04 - DFW METROPLEX

**ID Number(s):**

**WASTEWATER PERMIT** WQ0014273001

**WASTEWATER EPA ID** TX0023299

**SLUDGE AUTHORIZATION** 720024

**Compliance History Period:** September 01, 2008 to August 31, 2013 **Rating Year:** 2013 **Rating Date:** 09/01/2013

**Date Compliance History Report Prepared:** June 16, 2014

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** June 16, 2009 to June 16, 2014

**TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.**

**Name:** Margarita Dennis

**Phone:** (817) 588-5892

### Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO
- 3) If **YES** for #2, who is the current owner/operator? N/A
- 4) If **YES** for #2, who was/were the prior owner(s)/operator(s)? N/A
- 5) If **YES**, when did the change(s) in owner or operator occur? N/A

### Components (Multimedia) for the Site Are Listed in Sections A - J

#### **A. Final Orders, court judgments, and consent decrees:**

- 1 Effective Date: 08/31/2009 ADMINORDER 2009-0418-MWD-E (1660 Order-Agreed Order With Denial)  
Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Rqmt Prov: Effluent Limits PERMIT  
Description: Failure to comply with permit effluent limits as documented by a TCEQ record review of self-reported data.

#### **B. Criminal convictions:**

N/A

#### **C. Chronic excessive emissions events:**

N/A

#### **D. The approval dates of investigations (CCEDS Inv. Track. No.):**

Item 1 July 29, 2009 (806340)

Item 2 August 31, 2009 (806341)

Item 3	September 17, 2009	(806342)
Item 4	October 14, 2009	(806343)
Item 5	December 10, 2009	(806345)
Item 6	January 19, 2010	(806346)
Item 7	February 16, 2010	(806338)
Item 8	March 17, 2010	(1061691)
Item 9	April 19, 2010	(1061694)
Item 10	May 18, 2010	(1061697)
Item 11	June 04, 2010	(1061700)
Item 12	July 16, 2010	(1061703)
Item 13	September 14, 2010	(1061709)
Item 14	September 16, 2010	(1061706)
Item 15	October 06, 2010	(1061712)
Item 16	November 19, 2010	(1061714)
Item 17	December 20, 2010	(1061717)
Item 18	January 20, 2011	(1061720)
Item 19	February 08, 2011	(1061689)
Item 20	March 18, 2011	(1061692)
Item 21	April 08, 2011	(1061695)
Item 22	May 11, 2011	(1061698)
Item 23	June 15, 2011	(1061701)
Item 24	August 18, 2011	(1061707)
Item 25	September 12, 2011	(1061710)
Item 26	October 13, 2011	(1061713)
Item 27	November 14, 2011	(1061715)
Item 28	January 11, 2012	(1061721)
Item 29	February 14, 2012	(1061690)
Item 30	March 16, 2012	(1061693)
Item 31	April 20, 2012	(1061696)
Item 32	May 18, 2012	(1061699)
Item 33	June 18, 2012	(1061702)
Item 34	July 10, 2012	(1061705)
Item 35	September 20, 2012	(1061711)
Item 36	December 17, 2012	(1061708)
Item 37	February 07, 2013	(1079402)
Item 38	January 23, 2014	(1153404)
Item 39	February 21, 2014	(1160742)

#### **E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):**

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

1	Date:	06/26/2013 (1098871)	CN600678122
	Self Report?	NO	Classification: Minor
	Citation:	30 TAC Chapter 305, SubChapter F 305.125(5)	
	Description:	Failure to keep clarifier sludge blanket within the recommended range. At the time of the investigation, the sludge blanket level in the clarifier was 10 feet in a total water depth of 13 feet. In lieu of plant specific manual guidelines, the recommended sludge depth is 25% of the total water depth.	
	Self Report?	NO	Classification: Minor
	Citation:	30 TAC Chapter 305, SubChapter F 305.125(5)	
	Description:	Failure to keep the dissolved oxygen level in the aeration basins within the recommended range. At the time of the investigation, the contact basin had a 0.10 mg/L result, and the re-aeration basin had a 0.30 mg/L result. In lieu of plant specific manual guidelines, the recommended range of dissolved oxygen is between 2-4 mg/L.	
	Self Report?	NO	Classification: Minor
	Citation:	30 TAC Chapter 305, SubChapter F 305.125(5)	
	Description:	Failure to keep solids from accumulating in the chlorine contact chamber. At the time of the investigation, the chlorine contact chamber contained 1.5 feet of sludge at the bottom of the unit, and floating solids were visible.	
	Self Report?	NO	Classification: Minor
	Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)	
		WQ0014273-001 PERMIT	
	Description:	Failure to maintain compliance with permitted effluent limits. Specifically, the grab	

sample collected during the investigation was not compliant with the single grab limit of 394 MPN/100 mL for E. coli. The result of the E. coli sample was 700 MPN/100 mL. Compliance with the permitted effluent limits must be maintained.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
WQ0014273-001 PERMIT

Description: Failure to maintain compliance with Other Requirements. Specifically, Item No. 9 required submission of quarterly progress reports in order to achieve compliance with the final permitted effluent limitation requirements. The submission of the progress reports would expire three years from the date of permit issuance. No reports have been received by TCEQ at the time of the investigation.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
WQ0014273-001 PERMIT

Description: Failure to conduct adequate process control analysis in the treatment units. During the investigation it was determined that adequate process control analysis was not being conducted or documented.

- 2 Date: 06/30/2013 (1117392) CN600678122  
Self Report? YES Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter
- 3 Date: 07/31/2013 (1125156) CN600678122  
Self Report? YES Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter
- 4 Date: 08/31/2013 (1135486) CN600678122  
Self Report? YES Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter
- 5 Date: 09/30/2013 (1135487) CN600678122  
Self Report? YES Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter
- 6 Date: 10/31/2013 (1140876) CN600678122  
Self Report? YES Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter
- 7 Date: 11/30/2013 (1147347) CN600678122  
Self Report? YES Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter
- 8 Date: 02/28/2014 (1167394) CN600678122  
Self Report? YES Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter
- 9 Date: 03/31/2014 (1174515) CN600678122  
Self Report? YES Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter

## F. Environmental audits:

N/A

**G. Type of environmental management systems (EMSs):**

N/A

**H. Voluntary on-site compliance assessment dates:**

N/A

**I. Participation in a voluntary pollution reduction program:**

N/A

**J. Early compliance:**

N/A

**Sites Outside of Texas:**

N/A

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
CITY OF SAVOY  
RN102921988**

**§       BEFORE THE  
§  
§       TEXAS COMMISSION ON  
§  
§       ENVIRONMENTAL QUALITY**

## **AGREED ORDER DOCKET NO. 2014-0891-MWD-E**

### **I. JURISDICTION AND STIPULATIONS**

On \_\_\_\_\_, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding the City of Savoy ("Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a municipal wastewater treatment facility located at 601 North Cedar Street, 900 feet west of Farm-to-Market Road 1752 and 2,000 feet north of U.S. Highway 56 in Fannin County, Texas (the "Facility").
2. The Respondent has discharged municipal waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. The Executive Director and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about June 7, 2014.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Forty-One Thousand Two Hundred Fifty Dollars (\$41,250) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid One Thousand Nine Hundred

Sixty Dollars (\$1,960) of the administrative penalty and Eight Thousand Two Hundred Fifty Dollars (\$8,250) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, including the payment schedule, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

The remaining amount of Thirty-One Thousand Forty Dollars (\$31,040) of the administrative penalty shall be payable in one monthly payment of Nine Hundred Sixteen Dollars (\$916) followed by 34 monthly payments of Eight Hundred Eighty-Six Dollars (\$886) each. The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until paid in full. If the Respondent fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, the Executive Director may, at the Executive Director's option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of the Respondent to meet the payment schedule of this Agreed Order constitutes the failure by the Respondent to timely and satisfactorily comply with all the terms of this Agreed Order.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a).
9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## **II. ALLEGATIONS**

As owner and operator of the Facility, the Respondent is alleged to have failed to comply with permitted effluent limits, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014273001, Final Effluent Limitations and Monitoring Requirements Nos. 1 and 6, as documented during a record review conducted on May 21, 2014 and as shown in the violation table below:



Effluent Violation Table							
	<i>E. coli</i> Daily Average	<i>E. coli</i> Single Grab	<i>Ammonia</i> Nitrogen Daily Average Conc.	<i>Ammonia</i> Nitrogen Daily Average Loading	<i>TSS</i> Daily Average Conc.	<i>TSS</i> Single Grab Conc.	<i>DO</i> Minimum Conc.
Month/Year	126 (CFU/100 ml)	394 (CFU/100 ml)	3 (mg/L)	3.2 (lbs/d)	15 (mg/L)	60 (mg/L)	4.0 (mg/L)
April 2013	2419.6	2419.6	c	c	c	c	c
May 2013	2419.6	2419.6	c	c	c	c	0.2
June 2013	2419.6	2419.6	c	c	c	c	c
July 2013	2419.6	2419.6	c	c	30.2	115	c
August 2013	2419.6	2419.6	c	c	c	c	c
September 2013	c	2419.6	c	c	c	c	c
October 2013	c	613	4.234	8.15	c	c	c
November 2013	c	c	c	4.4	c	c	c
February 2014	c	c	10	7.5	c	c	c
March 2014	c	c	4.1	c	c	c	c

mg/L = milligrams per liter  
DO = dissolved oxygen  
E. coli = Escherichia coli  
c = compliant  
lbs/d = pound per day

TSS = total suspended solids  
CFU = colony forming units  
Conc. = concentration  
Min. = minimum

### III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

### IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to

"TCEQ" and shall be sent with the notation "Re: City of Savoy, Docket No. 2014-0891-MWD-E" to:

Financial Administration Division, Revenue Operations Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088

2. It is further ordered that the Respondent shall undertake the following technical requirements:
  - a. Within 90 days after the effective date of this Agreed Order, submit written certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0014273001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations.
  - b. The certification required by Ordering Provisions No. 2.a. shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with the permitted effluent limitations. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team  
Enforcement Division, MC 149A  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

with a copy to:

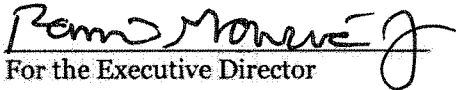
Water Section Manager  
Dallas/Fort Worth Regional Office  
Texas Commission on Environmental Quality  
2309 Gravel Drive  
Fort Worth, Texas 76118-69510

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier.

## SIGNATURE PAGE

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

  
For the Executive Director

12/2/15  
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

  
Signature

5-18-15  
Date

Denise Pugh  
Name (Printed or typed)  
Authorized Representative of  
City of Savoy

Mayor  
Title

**Instructions:** Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section IV, Paragraph 1 of this Agreed Order.